

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES,

Plaintiff,

-against-

MARIO HERRERA,

Defendant.

No. 16 Cr. 64 (LAP)

ORDER

LORETTA A. PRESKA, Senior United States District Judge:

On January 11, 2022, Beena Iqbal Ahmad, Esq., moved to withdraw as counsel for Mario Herrera for the limited purpose of a furlough application, which has been resolved. (Dkt. No. 535.) The motion to withdraw is GRANTED.

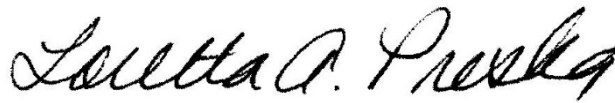
Ms. Ahmad also alerts the Court to the fact that Mr. Herrera requests the appointment of CJA counsel to assist him with a habeas petition under 28 U.S.C § 2255. The Court lacks authority to do so until Mr. Herrera files a new Section 2255 petition. See 28 U.S.C. § 2255(g) (the Court may appoint counsel in “proceedings brought under this section” (emphasis added)); see also 18 U.S.C. § 3006A (“[I]f the interests of justice so require, representation may be provided for any financially eligible person who . . . is seeking relief under section . . . 2255 of title 28.” (emphasis added)). If and when Mr. Herrera files a new petition under Section 2255, the Court

will consider any application to appoint CJA counsel under Hodge v. Police Officers, 802 F.2d 58, 61-62 (2d Cir. 1985).

The Clerk of the Court shall mail a copy of this order to Mr. Herrera.

SO ORDERED.

Dated: January 12, 2022
New York, New York

A handwritten signature in black ink, reading "Loretta A. Preska". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

LORETTA A. PRESKA
Senior United States District Judge